



05-24-10

DAC

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May 21, 2010

Mail Stop PETITIONS

Attn: Sherry D. Brinkley, Petitions Examiner
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment

In re Application of
Carol A. Tosaya, et al.
Application No. 10/826,232
Filed: April 16, 2004
Attorney Docket No.: D-03020A

We request withdrawal of the holding of abandonment for patent application number 10/826,232.

Notice of Abandonment was received on 03/04/10. However, this application never should have gone abandoned. All required documents (a copy of each document is appended herewith) were submitted within the specified timeframe on 11/23/09:

- RCE Transmittal Letter
- Certificate of Mailing
- Petition for Extension of Time (1 month)
- Check in the amount of \$470 (RCE fee)
- Amendment
- Receipt-acknowledgement postcard

The patent application number was entered incorrectly by us as 10/826,233 on one of the submitted documents, namely, the RCE Transmittal Letter. All other submitted documents carried the correct application number, and all documents carried the correct name of the first-listed inventor. Finally, the Amendment listed the Confirmation Number as 9638, the same as the parent application. However, a call placed on March 8, 2010 to the Petition Helpdesk confirmed that a USPTO clerical error resulted in all of the documents that were submitted on 11/23/09 incorrectly being appended to application 10/826,233. Furthermore, we learned that application 10/826,233 already had been assigned a Serial Number at the time of our submittal on 11/23/09, which should have prevented the processing of an RCE application and fee.

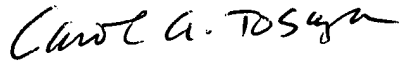
We can be reached at the address at the top of this letter, by telephone at (650) 949-2219, or by email at carol.tosaya@gmail.com.

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Respectfully,

A handwritten signature in cursive script, appearing to read "Carol A. Tosaya".

Carol A. Tosaya

Inventor, Application No. 10/826,232

A handwritten signature in cursive script, appearing to read "John W. Sliwa".

John W. Sliwa

Inventor, Application No. 10/826,232